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FILED
DISTRICT COURT OF GUAM
MAR 13 2007 *hbw*
MARY L.M. MORAN
CLERK OF COURT

Attorneys for Plaintiff United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

AMERICOPTERS, L.L.C.,

Plaintiff,

vs.

FEDERAL AVIATION ADMINISTRATION,

Defendant.

CIVIL NO. 03-00005

ANSWER OF THE
UNITED STATES

The United States of America, for the Federal Aviation Administration (FAA), hereby answers the Complaint in the above-entitled case as follows:

1. DENIES. The District Court lacks jurisdiction under 28 U.S.C. §1346(a)(2) because this is a takings case where the plaintiffs seek more than \$10,000.

2. This is an assertion requiring no answer, to the extent one is required, DENIES.

3. ADMITS that FAA is a U.S. agency within the Department of Transportation, DENIES all other allegations.

4. DENIES.

1 5. ADMITS.

2
3 6. Lacks sufficient information to admit or deny, therefore DENIES.

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5 7. DENIES based on portion of allegation that states "as a result".

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7 8. DENIES based on portion of allegation that states "as a result".

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9 9. DENIES based on portion of allegation that states "pattern of 'no response'" being
10 conclusory and argumentative.

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12 10. ADMITS that letter was written, DENIES all other allegations.

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14 11. ADMITS to letter, DENIES all other allegations.

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16 12. DENIES.

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18 13. ADMITS that a letter was written to FAA. Lacks sufficient information to respond
19 to remainder of allegation, therefore DENIES.

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21 14. DENIES.

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23 15. ADMITS that at the time the alleged actions took place, Kanane was an FAA
24 employee, DENIES all other allegations.

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26 16. DENIES.

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28 17. DENIES

1 18. DENIES.

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3 **AFFIRMATIVE DEFENSES**

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5 1. Jurisdiction for this claim is in the U.S. Court of Claims.

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7 2. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.

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9 WHEREFORE, the United States of America prays as follows:

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11 1. That the plaintiff's Complaint and action be dismissed with prejudice and that both
12 parties bear their own costs.

13
14 2. That the case be transferred to the U.S. Court of Claims.

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16 Dated this 13th day of March, 2007.

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18 LEONARDO M. RAPADAS
19 United States Attorney
Districts of Guam and NMI

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21 BY: 

22 MIKEL W. SCHWAB
23 Assistant U.S. Attorney
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